

**4114. Misbranding of "E. K. Thompson's Barosma Compound." U. S.  
\* \* \* v. The Thompson Medical Co., a corporation. Plea of nolo  
contendere. Fine, \$10 and costs. (F. & D. No. 5973. I. S. No. 9101-e.)**

On September 23, 1915, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Thompson Medical Co., a corporation, Titusville, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 18, 1912, from the State of Pennsylvania into the State of Maryland, of a quantity of "E. K. Thompson's Barosma Compound" which was misbranded. The article was labeled: (On bottle) "E. K. Thompson's Barosma Compound For Backache Liver and Kidney Diseases. Contains Not Over 25% Grain Alcohol. For relieving Pains in the back or side caused by disorders of the Kidneys or Liver. Aids in clearing the urine if cloudy or full of sediment. A remedy for the Liver, Kidneys and Bladder. Recommended for the above and following Diseases and Symptoms. Lumbago, Chronic or Acute Inflammation of Kidneys or Bladder and Ulceration of the same, also Dropsical swellings. It has relieved many a great sufferer. It assimilates with the food. Aids in correcting Acidity gently stimulates the Stomach, Liver and Kidneys. Directions—One or two teaspoonfuls before or after each meal and at bedtime. If necessary double the dose. It is better taken in water. A sallow complexion, a languid, spiritless state of mind, an exhausted, debilitated condition of the body, diminished vitality and nervousness are often remedied by taking Barosma and Thompson's Dandelion and Mandrake Pills. In Liver complaint, Constipation and when the complexion is sallow, Dandelion and Mandrake Pills should be taken with the Barosma. Guaranteed by the Thompson Medical Co., under the Food and Drugs Act of June 30th, 1906. Serial No. 5782. Distributed by the Thompson Medical Co. 5 & 7 So. Franklin St. Titusville, Pa. Price One Dollar." (Blown in bottle) "E. K. Thompson, Titusville, Pa." (On carton) "E. K. Thompson's (Trade Mark) Barosma Compound for Backache Liver and Kidney Diseases. Contains Not over 25% Grain Alcohol For Treatment of the Liver, Kidneys, and Bladder. A remedy for Chronic or Acute Inflammation of the Kidneys or Bladder and Ulceration of the same, Gravel or Stone in Bladder, Rheumatism, Sciatica, Palpitation of the Heart, Nervous Debility, Non-retention and Dropsy. Some of the symptoms of Kidney, Liver and Bladder diseases are: Thick, Sluggish and Scanty Urine or an unusual Flow. The urine may also be red, stringy or milky with brick dust deposits. Pains in the back or sides. Swelling of the ankles and Dropsy. Irritation of the Bladder with frequent desire to urinate. Palpitation of the Heart. Nervousness, Irritability and Sleeplessness. Rheumatism, Biliousness, Torpid Liver, Constipation, and Sallow Complexion. A bad taste in the morning. A scalding sensation when urinating. From our observation of the great number who have found relief from the above diseases and symptoms by the uses of Barosma and Dandelion and Mandrake Pills, we recommend these remedies to all like sufferers. Guaranteed by the Thompson Medical Co., under the Food and Drugs Act of June 30, 1906, Serial No. 5782. Distributed by The Thompson Medical Company. 5 & 7 So. Franklin St., Titusville, Pa. Price One Dollar. Thompson's Barosma Compound. New Wrapper adopted April 1st, 1911." The circular or pamphlet accompanying the article contained, among other things, the following statements: "Thompson's Barosma Is a Splendid Remedy for the Kidneys, Liver and Bladder; also Rheumatism, Sciatica, Lumbago, Palpitation of the Heart and Nervous Debility."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Nonvolatile matter (per cent)-----	27.07
Ash, sulphated (per cent)-----	5.01
Sugars (per cent)-----	18.4
Potassium bromid (per cent)-----	3.85
Potassium acetate (per cent)-----	2.60
Alcohol (per cent by volume)-----	18.9
Buchu: Present.	
Emodin, iodids, alkaloids: Absent.	

The product is a hydroalcoholic solution containing bromid of potassium, acetate of potassium, extract of buchu, and sugar.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) “\* \* \* A remedy for Chronic or Acute Inflammation of the Kidneys or Bladder and Ulceration of the same, Gravel or Stone in Bladder, Rheumatism, Sciatica, \* \* \* and Dropsy,” were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for chronic or acute inflammation of the kidneys or bladder and ulceration of the same, gravel or stone in the bladder, rheumatism, sciatica, and dropsy; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for chronic or acute inflammation of the kidneys or bladder, or ulceration of the same, gravel or stone in the bladder, rheumatism, sciatica, or dropsy. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, included in the circular or pamphlet aforesaid, to wit, “Thompson’s Barosma Is a Splendid Remedy for \* \* \* Rheumatism, Sciatica,” were false and fraudulent in that, by means of the said circular or pamphlet, they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a splendid remedy for rheumatism, sciatica; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for rheumatism or sciatica. Misbranding was alleged for the further reason that the packages of the article bore other statements regarding the therapeutic or curative effects thereof, to wit, “Cured of Bright’s Disease. ‘I have had no return of the disease in 16 years. I had been troubled with liver and kidney complaint for several years \* \* \* Finally I discovered a white, stringy sediment in my urine \* \* \* I knew then I had Bright’s Disease. I began taking Thompson’s Barosma at once and three bottles seemed to cure me, but to insure a permanent cure I took three bottles more. Although this was 16 years ago, I have had no bad symptoms since and have been perfectly free from pain,’” “A Wonderful Cure \* \* \* ‘about 15 years ago I was all run down with nervous prostration and nervous palpitation of the heart \* \* \* A relative of mine who had been troubled with female weakness and nervous prostration and had been cured by

Thompson's Barosma, recommended it to me. I began to take the Barosma at once and was \* \* \* cured of nervous prostration and palpitation of the heart,' " said statements being incorporated in the circular or pamphlet aforesaid, in manner and form as follows, to wit, "Cured of Bright's Disease. 'I have had no return of the disease in 16 years. I had been troubled with kidney and liver complaint for several years. I suffered with a dull, heavy pain across the back. I had gradually become all run down. A great deal of the time my stomach was filled with gas and I was growing very nervous and was constantly suffering with headache. Finally I discovered a white, stringy sediment in my urine, which frightened me, for I knew then I had Bright's Disease. I began taking Thompson's Barosma at once and three bottles seemed to cure me, but to insure a permanent cure I took three bottles more. Although this was 16 years ago, I have had no bad symptoms since and been perfectly free from pain.'—Frank K. Sturgis, Sturtevant, Crawford Co., Pa.," "A Wonderful Cure. 'Bedridden six months, I am now doing my own housework. About 15 years ago I was all run down with nervous prostration and palpitation of the heart (often getting black in the face and thought to be dying) losing flesh till from 130 pounds my weight was reduced to 93 pounds, and for six months I was confined to my bed. A relative of mine who had been troubled with female weakness and nervous prostration and had been cured by Thompson's Barosma, recommended it to me. I began to take the Barosma at once and was not only cured of nervous prostration and palpitation of the heart, but began to gain in flesh until in a short time I weighed 140 pounds, and from that time on until now I have been perfectly well and doing my own house-work.'—Mrs. Ely M. Marsh, Titusville, Pa.," which said statements were false and fraudulent in that they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for Bright's disease and nervous prostration; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a cure for Bright's disease or nervous prostration.

On September 23, 1915, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., December 20, 1915.